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May 7, 2007

**Filed Electronically**

Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: **CGB-CC-0441**: Reply of First United Methodist Church,  
Albany, Georgia

Dear Sir/Madam:

On behalf of First United Methodist Church, Albany, Georgia, please accept this written reply to the March 2, 2007 opposition which was filed in the above-referenced matter. Please recall that you previously received a request for exemption to the closed captioning requirements of § 79.1 of the FCC Rules and you subsequently granted that request for an exemption and waiver to the applicable closed captioning requirements. For the following reasons, we respectfully request that you uphold the Commission's prior decision granting the exemption and waiver to the closed captioning requirements for First United Methodist Church, Albany, Georgia.

As an initial matter, we note that the March 2, 2007 opposition which was filed in this matter was not filed in compliance with FCC Rules and Regulations because an affidavit was not provided or attached thereto in compliance with 47 C.F.R. § 79.1(f)(9). Additionally, it is noteworthy that of the seven separate organizations that are represented in the opposition, none of them are within the broadcast/viewing area of the 9:00 a.m. Sunday services of First United Methodist Church, Albany. In fact, of the seven organizations, the closest organization, Telecommunication and Technology Policy American Association of People with Disabilities, is in excess of 800 miles from Albany,

Georgia. The entity which is farthest away, California Coalition of Agencies Serving the Deaf and Hard of Hearing, is more than 2,340 miles away from Albany, Georgia.

Moreover, none of the seven entities represented in the opposition have produced a single member from any of their organizations who claims to be impacted by the absence of closed captioning on the broadcast at issue to First United Methodist Church, Albany. Rather, these appear to be seven national and/or localized organizations who have filed a boilerplate response and opposition to each and every broadcast program which has been granted an exemption from the closed captioning requirements.

In further reply, we continue to note that we are a non-profit organization. First United Methodist Church, Albany, is not paid or in any way compensated for broadcasting the weekly 9:00 a.m. Sunday service in and around the viewing area of Albany, Georgia. Instead, our church actually pays \$375.00 per week to the local NBC affiliate to broadcast its weekly thirty-minute program. It would be a substantial and undue burden upon our church to require that we provide closed captioning.

Finally, please note that public policy dictates that the FCC's closed captioning guidelines are an excellent goal and are certainly a wonderful rule applicable to all "for-profit" broadcasts. However, the FCC's guidelines also specifically allow flexibility and the granting of exemptions with regard to the enforcement of these rules. The granting of the waiver and exemption to the closed captioning rules to non-profit organizations which allow such organizations access to the airwaves with wholesome content in programming serves the purposes of the FCC and benefits our country as a whole. We respectfully request that the FCC enter an order upholding the Commission's prior decision to grant an exemption to the closed captioning requirements for First United Methodist Church, Albany. The opposition to the exemption has failed to demonstrate that there is any harm to the exemption being granted in this matter.

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Thank you for your time and attention to this correspondence.  
We look forward to receiving your favorable ruling.

Sincerely,

GARDNER, WILLIS, SWEAT & HANDELMAN

A handwritten signature in black ink, appearing to read 'C. Todd Ross', with a stylized, flowing script.

C. TODD ROSS

CTR:bw

Enclosures

cc: Senator Saxby Chambliss (via e-mail)  
Senator Johnny Isakson  
Representative Sanford D. Bishop, Jr. (via e-mail)  
First United Methodist Church, Albany  
Paul O. Gagnier, Esq. (via e-mail)  
Troy F. Tanner, Esq. (via e-mail)  
Daniel C. Burke, Esq. (via e-mail)  
WALB, Albany (via e-mail)

25-127.708

**AFFIDAVIT**

GEORGIA, DOUGHERTY COUNTY.

COMES NOW JIMMY RAY COLEMAN, who, after first being duly sworn, deposes and states on oath as follows:

1.

Affiant is an Associate Pastor of First United Methodist Church, Albany, Georgia, is greater than eighteen (18) years of age, and is able to testify competently to the matters set forth in the Church's reply to opposition under CGB-CC-0441, Federal Communications Commission.

2.

Affiant further states that the facts contained in said reply are true and correct to the best of his knowledge and belief.

FURTHER, AFFIANT SAYETH NOT.

This 7th day of May, 2007.



JIMMY RAY COLEMAN, Affiant

(SEAL)

Sworn to and subscribed before me  
this 7th day of May, 2007.



NOTARY PUBLIC

My commission expires: \_\_\_\_\_

